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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

TO:	Examiner – Brian T. Gedeon	FROM:	Jason D. Kelly
COMPANY:	USPTO – Mail Stop Amendment	DATE:	JULY 5, 2006
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	17
PHONE NUMBER:	571-272-3447	SENDER'S REFERENCE NUMBER:	1023-361US01
RE:	Response to RR dated 6.9.06	APPLICATION SERIAL NUMBER:	10/825,965

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth T. Heruth; Keith A. Miesel Confirmation No. 8233
 Serial No.: 10/825,965
 Filed: April 15, 2004 Customer No.: 28863
 Examiner: Brian T. Gedeon
 Group Art Unit: 3766
 Docket No.: 1023-361US01
 Title: COLLECTING ACTIVITY INFORMATION TO EVALUATE THERAPY

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CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on July 5, 2006.

By: Angela Watson

Name: Angela Watson

Mail Stop Amendment
 Commissioner for Patents
 Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

☒ Transmittal sheet containing Certificate of Mailing

CLAIMS AFTER AMENDMENT

Number of Claims After Amendment	Previously paid	Number Extra	Rate	Fee
Total Claims				
61	76	0	x \$50.00	= \$0.00
Independent Claims				
7	6	1	x \$200.00	= \$200.00
TOTAL				\$200.00

☒ Amendment (14 pgs.)

Please charge Deposit Account No. 50-1778 in the amount of \$200.00 for an extra claim fee.

Date:

7/5/06

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By:

Name: Jason D. Kelly
Reg. No.: 54,213

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	8233	RECEIVED CENTRAL FAX CENTER JUL 05 2006
Serial No.:	10/825,965			
Filed:	April 15, 2004	Customer No.:	28863	
Examiner:	Brian T. Gedeon			
Group Art Unit:	3766			
Docket No.:	1023-361US01			
Title:	<u>COLLECTING ACTIVITY INFORMATION TO EVALUATE THERAPY</u>			

**PRELIMINARY AMENDMENT AND RESPONSE TO RESTRICTION
REQUIREMENT**

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In response is to the Office Action mailed June 9, 2006, the period of response for which runs through July 9, 2006, please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begins on page 14 of this paper.

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